

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BROOKE LEITNER,

Plaintiff,

vs.

TRADER JOE'S EAST INC. d/b/a "TRADER JOE'S", TAYLOR FARMS RETAIL, INC., TAYLOR FRESH FOODS, INC., and JOHN DOES 1 through 10

Defendants.

Case No. 1:20-cv-06220-BMC

**JOINT DISCOVERY PLAN
UNDER FED. R. CIV. P. 26(f)**

The parties, by their undersigned attorneys, have conferred on the following matters and hereby submit a proposed discovery plan under Federal Rule of Civil Procedure 26(f).

- (1) Initial Disclosures (Rule 26(f)(3)(B)):** The parties will have exchanged initial disclosures before the Initial Conference.
- (2) Discovery Subjects and Timing (Rule 26(f)(3)(B)):**
 - (a)** The parties agree that the subjects of discovery are "any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter," pursuant to Fed. R. Civ. P. 26(b)(1).
 - (b)** The parties anticipate that discovery should be completed by August 1, 2021.
 - (c)** The parties do not anticipate that discovery will be conducted in any predetermined phases or be limited to or focused on particular issues.
- (3) Disclosure, Discovery or Preservation of ESI (Rule 26(f)(3)(C)):** The parties do not anticipate any issues regarding electronically stored information.

(4) Privileged and/or Protected Information (Rule 26(f)(3)(D)): The parties do not anticipate any issues about claims or privilege or of protection as trial-preparation materials, but do agree that any privilege or protection is not waived by disclosure connected with the litigation pending before the court and request that this Court include this agreement in a FRE 502 order.

(5) Limitations on Discovery (Rule 26(f)(3)(E)): The parties agree that no changes are necessary to the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule; and that no additional limitations on discovery should be imposed.

- (a)** The parties agree to exchange no more than 25 requests for admission each.
- (b)** The parties agree that there is no need to limit the number of depositions per side at this time.
- (c)** The parties agree to the time limits for depositions under Rule 30(d).
- (d)** The parties agree that there is no need to limit the number of expert witnesses per side at this time, and agree that expert discovery will be completed under the Federal Rules.
- (e)** The parties agree that any amendments will be submitted consistent with the deadlines in the Federal Rules.
- (f)** The parties do not expect to join additional parties at this time.
- (g)** The parties do not anticipate dispositive motions at this time, if any such motion will be filed it would be a Rule 56 motion. The parties request that a dispositive motion deadline be set for 60 days after the close of discovery.
- (h)** The parties consent to trial before a magistrate judge.

(i) This case should not be ordered to arbitration, but the parties have agreed to mediate this dispute at the close of discovery.

(6) **Other Orders (Rule 26(f)(3)(F)):** The parties do not anticipate seeking any orders under Rule 26(c) or Rule 16(b) and (c).

Dated: March 29, 2021

Respectfully submitted,

THE JACOB D. FUCHSBERG
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